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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,135	01/23/2004	Yuji Tomiyama	0388-040112	6069

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EXAMINER	
AVERY, BRIDGET D	
ART UNIT	**PAPER NUMBER**
3618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/764,135	TOMIYAMA ET AL.	
	Examiner	Art Unit	
	Bridget Avery	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-12* is/are pending in the application.

4a) Of the above claim(s) *6-9* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,5 and 10-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshikawa et al. (US Patent 6,655,486) in view of Knutson (US Patent 3,897,847).

Oshikawa et al. teaches a working vehicle comprising: a vehicle body; a radiator (3) mounted on the vehicle body; a hood provided at a front portion of the vehicle body for covering the radiator (3); the hood including a hood body, a front-face grill portion provided at a front face of the hood body for introducing ambient air to the interior of the hood, and a pair of side-face grill portions (36) provided at right and left side faces of the hood body for introducing ambient air into the interior of the hood; and a rectifier member (40) for controlling the flow of ambient air introduced from a rear portion of the side-face grill portion (36). See column 5, lines 18-30. Re claim 5, the portions of the covers (16A, 16B) surrounding the grill/ports (38) is a flange on which the rectifier/plate (40) is formed.

Oshikawa et al. lacks the teaching of a condenser.

Knutson teaches an air conditioner and a condenser (48). The condenser (48) is positioned forwardly of a radiator (38).

Based on the teachings of Knutson, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add an air conditioner and condenser to the working vehicle of Oshikawa et al. to provide cooling for the driver during elevated temperatures. It would have been obvious to one of ordinary skill in the art to modify the leading end portions of the rectifier member of the combination of Oshikawa et al. and Knutson to direct ambient air more forwardly of condenser to improve cooling efficiency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oshikawa et al. ('486) and Knutson ('847).

The combination of Oshikawa et al. and Knutson teach the features described above.

The combination of Oshikawa et al. and Knutson lack the teaching of a mesh member having a progressively increased aperture.

However, the provision of a progressively increased aperture is a change in size that would have been obvious to one having ordinary skill in the art, at the time the invention was made, to regulate the flow of air.

2. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshikawa et al. ('486) and Knutson ('847), as applied to claim 1 above, and further in view of Templeton et al. (US Patent 5,634,525).

The combination of Oshikawa et al. and Knutson teach the features described above.

The combination of Oshikawa et al. and Knutson lack the teaching of a seal.

Templeton teaches a seal (42, 45), a hinge (21) and a reinforcing frame member/rib (39).

Based on the teachings of Templeton, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a seal and a reinforcing hinge to the combination of Oshikawa et al. and Knutson to prevent hot air from re-circulating from the engine compartment to be passed back through the radiator.

Response to Arguments

3. Applicant's arguments filed October 17, 2006 have been fully considered but they are not persuasive. Contrary to applicant's arguments, the work vehicle of Oshikawa et al. teaches "a front-face grill portion" (23). The grill portion (23) is located on a "front-face" of the cover body, as broadly claimed by applicant.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Teich shows an enclosure for vehicle engine compartment.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.

Avery

December 18, 2006

CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600